

25 March 1975

BAYS AND OTHER HISTORIC WATERS

1. Historic bays

Article ...

For a bay to be considered as historic, each of the following requirements must be met:

- (a) That the coastal State claiming it to be such has possessed the waters of the bay in question continuously, peacefully and for a long time, by acts of sovereignty or exclusive jurisdiction, pursuant to repeated and continuous public regulations relating to the transit of vessels, fishing and any other activities of nationals or vessels of other States;
- (b) That this practice is expressly or tacitly accepted by third States, and in particular by neighbouring States;
- (c) That it is absolutely necessary for the coastal State to have full possession of the bay for reasons of defence or of economic interests peculiar to the zone, the existence and importance of which are clearly confirmed by long use.

Article ...

An historic bay may be closed by the coastal State by means of one or various straight closing lines across its mouth from the natural entrance points of the bay in question ("inter fauces terrarum"), in which case the waters enclosed by the coast and the said line shall be considered as internal waters. The closing line or lines shall serve as the baseline for measuring the breadth of the territorial sea of the State in question.

Article ...

A bay whose coasts belong to two or more States and which meets the requirements laid down in article ... shall be regarded as historic only where agreement on the subject exists between the coastal States.

The coastal State or States shall notify the International Hydrographic Bureau of the agreement or agreements mentioned in the previous paragraph and shall mark them on the large-scale charts prepared by the respective States. Until such notification takes place, the régime of historic bays shall not be applicable to the bay in question.

State Dept. review completed

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2. Historic waters other than bays

Article ...

The provisions of article ... (the first of this draft) shall apply mutatis mutandis to the recognition of historic waters other than bays. The coastal State may claim such waters as internal waters or as territorial sea, depending on the type of jurisdiction it has exercised over them.

Article ...

In the absence of other applicable methods, the territorial sea shall be measured from the outer limit of the historic waters, where these are regarded as internal archipelagic waters.

3. General provisions

Article ...

No claim to bays or other historic waters shall include land territory or waters under the established sovereignty, sovereign rights or jurisdiction of another State. (Provision 2 of "Main Trends" document).